

SENATE BILL 378

P5, P1

2lr2428
CF 2lr1449

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Department of Legislative Services)**

Introduced and read first time: January 31, 2012

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Program Evaluation Act – Revisions**

3 FOR the purpose of repealing a function of the Legislative Policy Committee relating
4 to the Maryland Program Evaluation Act; repealing the authority of the
5 Committee to waive as unnecessary certain evaluations; repealing the
6 requirement that an evaluation of certain governmental activities or units and
7 the statutes and regulations that relate to those activities or units be performed;
8 repealing the requirement that the Department of Legislative Services prepare
9 certain preliminary evaluation reports of certain governmental activities or units;
10 repealing the requirement that certain governmental activities or units provide the
11 Department with certain information; repealing the requirement that certain
12 evaluations be conducted by certain evaluation committees; repealing the
13 requirement that certain committees be appointed; repealing the requirement that
14 certain evaluation committees consult with the Department and prepare a certain
15 plan for evaluation; altering the date by which the Department must submit an
16 evaluation report of a governmental activity or unit to the General Assembly;
17 altering the required contents of certain evaluation reports; altering the date by
18 which certain committees of the General Assembly must hold certain public
19 hearings; requiring certain committees of the General Assembly rather than certain
20 evaluation committees to submit a certain report to the General Assembly; altering
21 the recommendations that must be included in certain reports; requiring the Office
22 of Policy Analysis in the Department to annually solicit certain ideas for certain
23 research activities; requiring the Office to propose a certain research agenda to the
24 President of the Senate and the Speaker of the House based on certain criteria;
25 requiring the Office to implement a certain research agenda as approved by the
26 President of the Senate and the Speaker of the House; requiring the Office to
27 present certain findings and recommendation to certain committees of the General
28 Assembly; requiring certain entities to provide certain information and cooperate
29 with the Department to carry out certain requirements; authorizing certain
30 information to be provided to the Department in a certain format; requiring the
31 Department to follow certain confidentiality procedures; repealing the termination

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 provisions applicable to certain governmental activities and units subject to the
2 Maryland Program Evaluation Act; defining certain terms; and generally relating
3 to the Maryland Program Evaluation Act.

4 BY repealing and reenacting, without amendments,
5 Article – State Government
6 Section 2–401 and 8–402
7 Annotated Code of Maryland
8 (2009 Replacement Volume and 2011 Supplement)

9 BY repealing and reenacting, with amendments,
10 Article – State Government
11 Section 2–407(a), 8–401, and 8–408 through 8–413
12 Annotated Code of Maryland
13 (2009 Replacement Volume and 2011 Supplement)

14 BY repealing
15 Article – State Government
16 Section 8–403 through 8–407
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2011 Supplement)

19 BY adding to
20 Article – State Government
21 Section 8–403, 8–407, and 8–408
22 Annotated Code of Maryland
23 (2009 Replacement Volume and 2011 Supplement)

24 BY repealing
25 Article – Agriculture
26 Section 2–316 and 2–719
27 Annotated Code of Maryland
28 (2007 Replacement Volume and 2011 Supplement)

29 BY repealing
30 Article – Business Occupations and Professions
31 Section 2–702, 3–702, 4–702, 5–702, 6–702, 6.5–502, 7–602, 8–602, 9–702;
32 10–218 and the part “Part III. Termination of Subtitle”; 11–802, 12–702,
33 14–602, 15–702, 16–802, 17–702; 18–701 and the subtitle “Subtitle 7.
34 Termination of Title”; and 21–502
35 Annotated Code of Maryland
36 (2010 Replacement Volume and 2011 Supplement)

37 BY repealing
38 Article – Business Regulation
39 Section 3–601 and the subtitle “Subtitle 6. Termination of Title”; 4–208, 5–1002,
40 7–502, 8–718, 8–802, 9A–602, and 11–1102

- 1 Annotated Code of Maryland
2 (2010 Replacement Volume and 2011 Supplement)
- 3 BY repealing
4 Article – Environment
5 Section 11–502, 12–602, and 13–602
6 Annotated Code of Maryland
7 (2007 Replacement Volume and 2011 Supplement)
- 8 BY repealing
9 Article – Financial Institutions
10 Section 2–401 and the subtitle “Subtitle 4. Termination of Certain Provisions”
11 Annotated Code of Maryland
12 (2011 Replacement Volume and 2011 Supplement)
- 13 BY repealing
14 Article – Health Occupations
15 Section 1A–502, 2–502, 3–602, 5–502, 8–6B–29, 9–502, 10–502, 11–602, 13–502,
16 14–5A–25, 14–5B–21, 14–5C–25, 14–5D–20, 14–5E–25, 15–502, 16–602,
17 17–702, 18–502, 19–502, and 20–502
18 Annotated Code of Maryland
19 (2009 Replacement Volume and 2011 Supplement)
- 20 BY repealing
21 Article – Labor and Employment
22 Section 2–109, 3–706, 4–405, 5–607, and 11–402
23 Annotated Code of Maryland
24 (2008 Replacement Volume and 2011 Supplement)
- 25 BY repealing
26 Article – Public Safety
27 Section 12–842 and 12–919
28 Annotated Code of Maryland
29 (2011 Replacement Volume)
- 30 BY repealing
31 Article – State Finance and Procurement
32 Section 17–203(l)
33 Annotated Code of Maryland
34 (2009 Replacement Volume and 2011 Supplement)
- 35 BY renumbering
36 Article – Labor and Employment
37 Section 3–707 through 3–711, 5–608, and 11–403 through 11–408, respectively
38 to be Section 3–706 through 3–710, 5–607, and 11–402 through 11–407,
39 respectively
40 Annotated Code of Maryland

1 (2008 Replacement Volume and 2011 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article — State Government**

5 2–401.

6 In this subtitle, “Committee” means the Legislative Policy Committee.

7 2–407.

8 (a) The Committee has the following functions:

9 (1) to review the work of the standing committees;

10 (2) to collect information about the government and general welfare of
11 the State;

12 (3) to study the operation of and recommend changes in the
13 Constitution, statutes, and common law of the State;

14 (4) to study the rules and procedures of the Senate and the House and
15 recommend changes that would improve and expedite the consideration of legislation
16 by the General Assembly;

17 (5) to coordinate and supervise generally the work of the General
18 Assembly when it is not in session; **AND**

19 (6) to prepare or endorse a legislative program that includes the bills,
20 resolutions, or other recommendations of the Committee that are to be presented to
21 the General Assembly at its next session[; and

22 (7) to carry out its powers and duties under the Maryland Program
23 Evaluation Act].

24 8–401.

25 (a) In this subtitle the following words have the meanings indicated.

26 **(B) “COMMITTEES OF JURISDICTION” MEANS THE COMMITTEES OF THE**
27 **GENERAL ASSEMBLY THAT ROUTINELY HANDLE THE POLICY ISSUES AND**
28 **LEGISLATION RELATED TO A SPECIFIC GOVERNMENTAL ACTIVITY OR UNIT**
29 **SUBJECT TO REVIEW UNDER THIS SUBTITLE.**

1 **(C) “DEPARTMENT” MEANS THE DEPARTMENT OF LEGISLATIVE**
2 **SERVICES.**

3 **[(b)] (D)** “Evaluation” means the process of legislative review of a
4 governmental activity or unit for which this subtitle provides.

5 **[(c)** “Evaluation committee” means a committee that is appointed to carry out
6 an evaluation.

7 **(d)] (E)** “Evaluation date” means the date on which an evaluation of a
8 governmental activity or unit is to be completed.

9 **[(e)](F)** “Governmental activity” means a program, service, or other
10 function of government.

11 **[(f)** “Preliminary evaluation” means the process by which the Legislative
12 Policy Committee determines whether a governmental activity should undergo an
13 evaluation.]

14 **(G) “OFFICE” MEANS THE OFFICE OF POLICY ANALYSIS IN THE**
15 **DEPARTMENT OF LEGISLATIVE SERVICES.**

16 8–402.

17 (a) The General Assembly finds that:

18 (1) a system for periodic, legislative review of the regulatory, licensing,
19 and other governmental activities of the Executive Branch of the State government is
20 essential for the maintenance of a government in which the citizens have confidence
21 and of a healthy State economy; and

22 (2) this legislative review is consistent with other activities and goals
23 of the General Assembly.

24 (b) The purposes of this subtitle are to:

25 (1) establish a system of legislative review that will:

26 (i) determine whether a governmental activity is necessary for
27 the public interest; and

28 (ii) make units that are responsible for necessary governmental
29 activities accountable and responsive to the public interest; and

30 (2) ensure that the legislative review takes place by establishing, by
31 statute, dates for the review and other legislative action.

1 [8-403.

2 (a) On or before December 15 of the 2nd year before the evaluation date of a
3 governmental activity or unit, the Legislative Policy Committee, based on a
4 preliminary evaluation, may waive as unnecessary the evaluation required under this
5 section.

6 (b) Except as otherwise provided in subsection (a) of this section, on or before
7 the evaluation date for the following governmental activities or units, an evaluation
8 shall be made of the following governmental activities or units and the statutes and
9 regulations that relate to the governmental activities or units:

10 (1) Acupuncture Board, State (§ 1A-201 of the Health Occupations
11 Article: July 1, 2014);

12 (2) Amusement Ride Safety, State Advisory Board (§ 3-303 of the
13 Business Regulation Article: July 1, 2013);

14 (3) Apprenticeship and Training Council (§ 11-403 of the Labor and
15 Employment Article: July 1, 2013);

16 (4) Architects, State Board of (§ 3-201 of the Business Occupations
17 and Professions Article: July 1, 2022);

18 (5) Athletic Commission, State (§ 4-201 of the Business Regulation
19 Article: July 1, 2020);

20 (6) Athletic Training Advisory Committee (§ 14-5D-04 of the Health
21 Occupations Article: July 1, 2012);

22 (7) Audiologists, Hearing Aid Dispensers, and Speech-Language
23 Pathologists, State Board of Examiners for (§ 2-201 of the Health Occupations Article:
24 July 1, 2015);

25 (8) Barbers, State Board of (§ 4-201 of the Business Occupations and
26 Professions Article: July 1, 2020);

27 (9) Boiler Rules, Board of (§ 12-904 of the Public Safety Article: July
28 1, 2013);

29 (10) Cemetery Oversight, Office of (§ 5-201 of the Business Regulation
30 Article: July 1, 2012);

31 (11) Chiropractic and Massage Therapy Examiners, State Board of (§
32 3-201 of the Health Occupations Article: July 1, 2021);

1 (12) Collection Agency Licensing Board, State (§ 7–201 of the Business
2 Regulation Article: July 1, 2021);

3 (13) Cosmetologists, State Board of (§ 5–201 of the Business
4 Occupations and Professions Article: July 1, 2020);

5 (14) Counselors and Therapists, State Board of Professional (§ 17–201
6 of the Health Occupations Article: July 1, 2018);

7 (15) Dental Examiners, State Board of (§ 4–201 of the Health
8 Occupations Article: July 1, 2020);

9 (16) Dietetic Practice, State Board of (§ 5–201 of the Health
10 Occupations Article: July 1, 2014);

11 (17) Electricians, State Board of Master (§ 6–201 of the Business
12 Occupations and Professions Article: July 1, 2022);

13 (18) Electrology Practice Committee (§ 8–6B–05 of the Health
14 Occupations Article: July 1, 2022);

15 (19) Elevator Safety Review Board (§§ 12–819 through 12–841 of the
16 Public Safety Article: July 1, 2013);

17 (20) Engineers, State Board for Professional (§ 14–201 of the Business
18 Occupations and Professions Article: July 1, 2022);

19 (21) Engineers, State Board of Stationary (§ 6.5–201 of the Business
20 Occupations and Professions Article: July 1, 2013);

21 (22) Environmental Sanitarians, State Board of (§ 11–201 of the
22 Environment Article: July 1, 2012);

23 (23) Financial Regulation, Office of the Commissioner of (§ 2–101 of the
24 Financial Institutions Article: July 1, 2021);

25 (24) Foresters, State Board of (§ 7–201 of the Business Occupations and
26 Professions Article: July 1, 2014);

27 (25) Health Care Commission, Maryland (§ 19–103 of the Health –
28 General Article: July 1, 2017);

29 (26) Health Services Cost Review Commission, State (§ 19–202 of the
30 Health – General Article: July 1, 2017);

- 1 (27) Heating, Ventilation, Air-Conditioning, and Refrigeration
2 Contractors, State Board of (§ 9A-201 of the Business Regulation Article: July 1,
3 2022);
- 4 (28) Home Improvement Commission, Maryland (§ 8-201 of the
5 Business Regulation Article: July 1, 2021);
- 6 (29) Horse Industry Board, Maryland (§ 2-701 of the Agriculture
7 Article: July 1, 2015);
- 8 (30) Individual Tax Preparers, State Board of (§ 21-201 of the Business
9 Occupations and Professions Article: July 1, 2015);
- 10 (31) Insurance Administration (§§ 2-101 and 2-103 of the Insurance
11 Article: July 1, 2018);
- 12 (32) Interior Designers, State Board of Certified (§ 8-201 of the
13 Business Occupations and Professions Article: July 1, 2013);
- 14 (33) Labor and Industry, Division of (Title 2 of the Labor and
15 Employment Article: July 1, 2013);
- 16 (34) Land Surveyors, State Board for Professional (§ 15-201 of the
17 Business Occupations and Professions Article: July 1, 2023);
- 18 (35) Landscape Architects, State Board of Examiners of (§ 9-201 of the
19 Business Occupations and Professions Article: July 1, 2023);
- 20 (36) Law Examiners, State Board of (§ 10-201 of the Business
21 Occupations and Professions Article: July 1, 2019);
- 22 (37) Maryland-Bred Race Fund Advisory Committee (§ 11-531 of the
23 Business Regulation Article: July 1, 2013);
- 24 (38) mold remediation services, licensing and regulation of (§ 8-701 of
25 the Business Regulation Article: July 1, 2018);
- 26 (39) Morticians and Funeral Directors, State Board of (§ 7-201 of the
27 Health Occupations Article: July 1, 2017);
- 28 (40) Nursing, State Board of (§ 8-201 of the Health Occupations Article:
29 July 1, 2012);
- 30 (41) Nursing Home Administrators, State Board of Examiners of (§
31 9-201 of the Health Occupations Article: July 1, 2016);

1 (42) Occupational Safety and Health Advisory Board (§ 5–302 of the
2 Labor and Employment Article: July 1, 2013);

3 (43) Occupational Therapy Practice, State Board of (§ 10–201 of the
4 Health Occupations Article: July 1, 2014);

5 (44) Optometry, State Board of Examiners in (§ 11–201 of the Health
6 Occupations Article: July 1, 2022);

7 (45) Pharmacy, State Board of (§ 12–201 of the Health Occupations
8 Article: July 1, 2012);

9 (46) Physical Therapy Examiners, State Board of (§ 13–201 of the
10 Health Occupations Article: July 1, 2021);

11 (47) Physician Assistant Advisory Committee (§ 15–201 of the Health
12 Occupations Article: July 1, 2012);

13 (48) Physicians, State Board of (§ 14–201 of the Health Occupations
14 Article: July 1, 2012);

15 (49) Pilots, State Board of (§ 11–201 of the Business Occupations and
16 Professions Article: July 1, 2021);

17 (50) Plumbing, State Board of (§ 12–201 of the Business Occupations
18 and Professions Article: July 1, 2022);

19 (51) Podiatric Medical Examiners, State Board of (§ 16–201 of the
20 Health Occupations Article: July 1, 2021);

21 (52) Polysomnography Professional Standards Committee (§ 14–5C–05
22 of the Health Occupations Article: July 1, 2012);

23 (53) Prescription Drug Monitoring Program in the Department of
24 Health and Mental Hygiene (§ 21–2A–02 of the Health – General Article: July 1,
25 2015);

26 (54) Prevailing Wage Rates, Advisory Council on (§ 17–203 of the State
27 Finance and Procurement Article: July 1, 2013);

28 (55) Psychologists, State Board of Examiners of (§ 18–201 of the Health
29 Occupations Article: July 1, 2022);

30 (56) Public Accountancy, State Board of (§ 2–201 of the Business
31 Occupations and Professions Article: July 1, 2014);

1 (57) Racing Commission, State (§ 11–201 of the Business Regulation
2 Article: July 1, 2013);

3 (58) Radiation Oncology/Therapy Technologists, Medical Radiation
4 Technologists, and Nuclear Medicine Technologists Advisory Committee (§ 14–5B–05
5 of the Health Occupations Article: July 1, 2012);

6 (59) Real Estate Appraisers and Home Inspectors, State Commission of
7 (§ 16–201 of the Business Occupations and Professions Article: July 1, 2012);

8 (60) Real Estate Commission, State (§ 17–201 of the Business
9 Occupations and Professions Article: July 1, 2011);

10 (61) Residential Child Care Program Professionals, State Board for
11 Certification of (§ 20–202 of the Health Occupations Article: July 1, 2013);

12 (62) Respiratory Care Professional Standards Committee, State (§
13 14–5A–05 of the Health Occupations Article: July 1, 2012);

14 (63) security systems technicians, licensing and regulation of (§ 18–201
15 of the Business Occupations and Professions Article: July 1, 2015);

16 (64) Social Work Examiners, State Board of (§ 19–201 of the Health
17 Occupations Article: July 1, 2013);

18 (65) Standardbred Race Fund Advisory Committee, Maryland (§
19 11–625 of the Business Regulation Article: July 1, 2013);

20 (66) Veterinary Medical Examiners, State Board of (§ 2–302 of the
21 Agriculture Article: July 1, 2020);

22 (67) Waterworks and Waste Systems Operators, State Board of (§
23 12–201 of the Environment Article: July 1, 2020); and

24 (68) Well Drillers, State Board of (§ 13–201 of the Environment Article:
25 July 1, 2020).]

26 **8–403.**

27 **ON OR BEFORE THE EVALUATION DATE FOR THE FOLLOWING**
28 **GOVERNMENTAL ACTIVITIES OR UNITS, AN EVALUATION SHALL BE MADE OF**
29 **THE FOLLOWING GOVERNMENTAL ACTIVITIES OR UNITS AND THE STATUTES**
30 **AND REGULATIONS THAT RELATE TO THE GOVERNMENTAL ACTIVITIES OR**
31 **UNITS:**

1 **(1) DENTAL EXAMINERS, STATE BOARD OF (§ 4–201 OF THE**
2 **HEALTH OCCUPATIONS ARTICLE: JULY 1, 2020);**

3 **(2) HEALTH SERVICES COST REVIEW COMMISSION, STATE (§**
4 **19–202 OF THE HEALTH – GENERAL ARTICLE: JULY 1, 2017);**

5 **(3) MORTICIANS AND FUNERAL DIRECTORS, STATE BOARD OF (§**
6 **7–201 OF THE HEALTH OCCUPATIONS ARTICLE: JULY 1, 2017);**

7 **(4) NURSING, STATE BOARD OF (§ 8–201 OF THE HEALTH**
8 **OCCUPATIONS ARTICLE: JULY 1, 2012);**

9 **(5) PHARMACY, STATE BOARD OF (§ 12–201 OF THE HEALTH**
10 **OCCUPATIONS ARTICLE: JULY 1, 2012);**

11 **(6) PHYSICIANS, STATE BOARD OF (§ 14–201 OF THE HEALTH**
12 **OCCUPATIONS ARTICLE: JULY 1, 2012); AND**

13 **(7) PRESCRIPTION DRUG MONITORING PROGRAM IN THE**
14 **DEPARTMENT OF HEALTH AND MENTAL HYGIENE (§ 21–2A–02 OF THE**
15 **HEALTH – GENERAL ARTICLE: JULY 1, 2015).**

16 [8–404.

17 (a) (1) On or before December 15 of the second year before the evaluation
18 date, the Department of Legislative Services shall prepare a preliminary evaluation
19 report on each governmental activity or unit to be evaluated.

20 (2) The preliminary evaluation report shall include:

21 (i) significant legislative changes that affect the governmental
22 activity or unit after the last evaluation;

23 (ii) changes in technology that impact the conduct of the
24 profession or occupation regulated by the governmental activity or unit;

25 (iii) changes in the regulatory environment;

26 (iv) registered complaints and complaint outcomes in the time
27 period after the last evaluation;

28 (v) a 5–year revenue and expenditure comparison, including
29 indirect costs as part of the expenditures of the activity or unit; and

1 (vi) a recommendation whether a full evaluation should be
2 undertaken.

3 (b) On request of the Department of Legislative Services, the governmental
4 activity or unit shall provide the Department with the information required to
5 undertake the preliminary evaluation.]

6 [8-405.

7 (a) Evaluation of a governmental activity or unit shall be completed:

8 (1) by an evaluation committee for the Senate, appointed by the
9 President of the Senate, and an evaluation committee for the House of Delegates,
10 appointed by the Speaker of the House; or

11 (2) by an evaluation committee appointed jointly by the President and
12 Speaker.

13 (b) Each evaluation committee for a governmental activity or unit shall be
14 appointed on or before May 31 of the year before the evaluation date of that
15 governmental activity or unit.]

16 [8-406.

17 (a) On or before June 30 of the year before the evaluation date of a
18 governmental activity or unit, each evaluation committee for that governmental
19 activity or unit shall:

20 (1) consult with:

21 (i) the Department of Legislative Services; and

22 (ii) the unit under evaluation or responsible for the
23 governmental activity under evaluation; and

24 (2) then prepare a plan for the evaluation.

25 (b) Each evaluation committee shall provide, in the plan, for periodic
26 consultation with the Department of Legislative Services.]

27 [8-407.

28 During an evaluation, the unit under evaluation or responsible for the
29 governmental activity under evaluation shall:

1 (1) provide promptly any information that the Department of
2 Legislative Services or an evaluation committee requests; and

3 (2) otherwise cooperate with the Department and the evaluation
4 committee.]

5 **[8-408.] 8-404.**

6 (a) (1) Subject to § 2-1246 of this article, on or before **[October 31]**
7 **DECEMBER 1** of the year before the evaluation date of a governmental activity or
8 unit, the Department **[of Legislative Services]** shall submit to the General Assembly
9 an evaluation report on the governmental activity or unit.

10 (2) The Department **[of Legislative Services]** shall make copies of the
11 report available.

12 **[(b) The report on a governmental activity or unit designated for evaluation**
13 **under § 8-403 of this subtitle, to the extent appropriate to the evaluation of that**
14 **governmental activity or unit and consistent with the plan for evaluation, shall:**

15 (1) discuss the purpose for which the governmental activity or unit
16 was established;

17 (2) discuss the manner in which the unit under evaluation or
18 responsible for the governmental activity under evaluation operates to carry out this
19 purpose;

20 (3) discuss changes in conditions that have occurred since the
21 governmental activity or unit was established and that suggest a need for change in
22 the governmental activity or unit;

23 (4) discuss whether the public health, safety, or welfare would be
24 affected significantly if the governmental activity or unit did not exist;

25 (5) discuss whether the costs of any goods or services have changed
26 because the governmental activity or unit was established;

27 (6) discuss whether the statute provides a clear regulatory mandate;

28 (7) discuss whether the unit under evaluation or responsible for the
29 governmental activity under evaluation complies with this mandate;

30 (8) discuss whether that unit has clear objectives;

31 (9) discuss the extent to which that unit accomplishes these objectives;

1 (10) discuss whether other governmental activities of the State have
2 similar objectives and, if so, compare the cost and effectiveness and identify
3 duplication in these governmental activities;

4 (11) discuss whether federal or local governmental activities or
5 programs or services in the private sector have similar objectives;

6 (12) state the source of funds of the governmental activity or unit;

7 (13) discuss whether the budget and staff resources and the
8 enforcement authority of the unit under evaluation or responsible for the
9 governmental activity under evaluation meet or exceed the resources and authority
10 that are needed to carry out the statutory mandate of the unit;

11 (14) discuss, as to a governmental activity for licensing of a profession
12 or occupation, whether the unit responsible for the governmental activity has:

13 (i) restricted access to the profession or occupation unduly;

14 (ii) processed applications for licenses efficiently and fairly; and

15 (iii) licensed only qualified applicants;

16 (15) discuss whether the unit under evaluation or responsible for a
17 governmental activity under evaluation operates in an open and accountable manner,
18 with:

19 (i) public access to its records and meetings; and

20 (ii) safeguards against conflicts of interest;

21 (16) discuss the extent to which that unit encourages participation of
22 the public, as opposed to participation only of persons whom the unit regulates, and
23 include a discussion of the role of the consumer representatives on the unit;

24 (17) discuss whether that unit processes efficiently and fairly formal
25 public complaints that are submitted to it;

26 (18) discuss whether that unit gathers and keeps sufficient information
27 about its activities and regulated persons and interests:

28 (i) to carry out the duties of the unit;

29 (ii) to inform the public; and

30 (iii) to enable evaluation of the success of the governmental
31 activity or unit;

1 (19) discuss whether that unit gathers or keeps superfluous
2 information;

3 (20) discuss alternative methods to carry out the governmental activity,
4 including methods used successfully in other states;

5 (21) discuss suggestions for statutory changes; and

6 (22) include any other information that the plan for evaluation requires
7 or the Department of Legislative Services considers appropriate.

8 (c) A report on a governmental activity or unit designated for evaluation
9 under § 8-404 of this subtitle, to the extent appropriate to the evaluation of that
10 governmental activity or unit and consistent with the plan for evaluation, shall:

11 (1) discuss the public purpose for which the governmental activity or
12 unit was established and whether that purpose is still a public need;

13 (2) discuss whether the purpose of the governmental activity or unit
14 has changed and, if so, the consistency of changes with legislative intent and public
15 need;

16 (3) discuss whether the governmental activity or unit substantially
17 duplicates other State, federal, or local governmental activities or programs or services
18 in the private sector;

19 (4) discuss whether laws or policies, including budgetary or personnel
20 policies, impede the effectiveness of the governmental activity or unit;

21 (5) discuss whether the unit under evaluation or responsible for the
22 governmental activity under evaluation operates:

23 (i) efficiently and effectively;

24 (ii) in an open and accountable manner, with public access to
25 records and meetings, safeguards against conflicts of interest, and opportunity for
26 public participation;

27 (iii) in a fair and nondiscriminatory manner that complies fully
28 with law and State policy; and

29 (iv) in a manner that imposes on the citizens and economy of the
30 State the least burden necessary to carry out the purpose for which the governmental
31 activity or unit was established;

1 (6) discuss whether changes in operation or law are desirable to
2 improve efficiency and effectiveness; and

3 (7) include any other information that the plan for evaluation requires
4 or the Department of Legislative Services considers appropriate.]

5 **(B) THE REPORT ON A GOVERNMENTAL ACTIVITY OR UNIT DESIGNATED**
6 **FOR EVALUATION OF THAT GOVERNMENTAL ACTIVITY OR UNIT AND**
7 **CONSISTENT WITH THE PLAN FOR EVALUATION, SHALL ADDRESS THE**
8 **GOVERNMENTAL ACTIVITY'S OR UNIT'S:**

9 (1) EFFICIENCY;

10 (2) EFFECTIVENESS;

11 (3) ROLE IN PROTECTING CONSUMERS;

12 (4) SUFFICIENCY OF RESOURCES; AND

13 (5) ACCOMPLISHMENT OF LEGISLATIVE OBJECTIVES.

14 [8-409.] **8-405.**

15 On or before [December 14 of] **THE 10TH DAY OF THE REGULAR SESSION OF**
16 **THE GENERAL ASSEMBLY IN** the year [before] **OF** the evaluation date of a
17 governmental activity or unit, the [evaluation committee] **COMMITTEES OF**
18 **JURISDICTION FOR THE GOVERNMENTAL ACTIVITY OR UNIT** shall hold a public
19 hearing to receive, from the unit under evaluation or responsible for the governmental
20 activity under evaluation and the public, testimony as to the evaluation report.

21 [8-410.] **8-406.**

22 (a) Subject to § 2-1246 of this article, on or before the 20th day of the regular
23 session of the General Assembly in the year of the evaluation date of a governmental
24 activity or unit, the [evaluation committee] **COMMITTEES OF JURISDICTION** for the
25 governmental activity or unit shall submit a report to the General Assembly.

26 (b) (1) The report shall recommend[:

27 (i) as to a governmental activity or unit designated for
28 evaluation under § 8-403 of this subtitle,] whether [the] A governmental activity or
29 unit **DESIGNATED FOR EVALUATION UNDER § 8-403 OF THIS SUBTITLE** should be
30 reestablished, with or without changes, or allowed to terminate[: or

1 (ii) as to a governmental activity or unit designated for
2 evaluation under § 8–404 of this subtitle, whether the statute for the governmental
3 activity or unit should be repealed or changed].

4 (2) The report shall be accompanied by each bill that is needed to
5 accomplish the recommendations in the report.

6 **8–407.**

7 **EACH YEAR FOLLOWING THE REGULAR SESSION OF THE GENERAL**
8 **ASSEMBLY, THE OFFICE SHALL:**

9 (1) **SOLICIT IDEAS FOR RESEARCH ACTIVITIES BEYOND THOSE**
10 **REQUIRED UNDER § 8–403 OF THIS SUBTITLE;**

11 (2) **ON OR BEFORE MAY 15, PROPOSE ANNUALLY A RESEARCH**
12 **AGENDA TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE**
13 **BASED ON THE FEASIBILITY AND POLICY RELEVANCE OF THE IDEAS SOLICITED**
14 **UNDER ITEM (1) OF THIS SECTION AND THE AVAILABLE RESOURCES OF THE**
15 **OFFICE;**

16 (3) **IMPLEMENT THE RESEARCH AGENDA APPROVED BY THE**
17 **PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF DELEGATES;**
18 **AND**

19 (4) **PRESENT THE FINDINGS AND RECOMMENDATIONS OF ANY**
20 **RESEARCH ACTIVITIES CONDUCTED TO THE COMMITTEES OF JURISDICTION.**

21 **8–408.**

22 (A) **DURING AN EVALUATION REQUIRED UNDER § 8–403 OF THIS**
23 **SUBTITLE OR A RESEARCH ACTIVITY AS PROVIDED UNDER § 8–407 OF THIS**
24 **SUBTITLE, THE UNIT UNDER EVALUATION OR RESPONSIBLE FOR THE**
25 **GOVERNMENTAL ACTIVITY UNDER EVALUATION SHALL:**

26 (1) **PROMPTLY PROVIDE ANY INFORMATION THAT THE**
27 **DEPARTMENT OR A COMMITTEE OF THE GENERAL ASSEMBLY REQUESTS; AND**

28 (2) **OTHERWISE COOPERATE WITH THE DEPARTMENT TO CARRY**
29 **OUT THE REQUIREMENTS OF THIS SUBTITLE.**

30 (B) **INFORMATION REQUESTED UNDER SUBSECTION (A)(1) OF THIS**
31 **SECTION MAY BE PROVIDED IN A FORMAT THAT PROTECTS THE**
32 **CONFIDENTIALITY OF INDIVIDUALS AS NECESSARY.**

1 **(C) THE DEPARTMENT SHALL FOLLOW PROCEDURES TO MAINTAIN THE**
2 **CONFIDENTIALITY OF ANY INFORMATION, DOCUMENTS, OR PROCEEDINGS**
3 **OBTAINED OR OBSERVED IN THE COURSE OF CARRYING OUT THE**
4 **REQUIREMENTS OF THIS SUBTITLE.**

5 **[8-411.] 8-409.**

6 (a) (1) The reestablishment of a governmental activity or unit designated
7 for evaluation under § 8-403 of this subtitle is for a 10-year period unless the law that
8 provides for reestablishment sets another period.

9 (2) After the period of reestablishment expires, the governmental
10 activity or unit terminates as provided by law unless the governmental activity or unit
11 is reestablished again.

12 (b) The term of office of a member of a unit under evaluation or responsible
13 for a governmental activity under evaluation is not affected by reason of
14 reestablishment of the governmental activity or unit unless the law that reestablishes
15 the governmental activity or unit provides otherwise.

16 **[8-412.] 8-410.**

17 (a) The termination of a governmental activity or unit or repeal of its statute
18 in accordance with this subtitle is not a reason for dismissal of any claim or right of:

19 (1) the unit that is terminated or is responsible for the governmental
20 activity that is terminated; or

21 (2) any person against that unit.

22 (b) The State shall assume these claims and rights.

23 **[8-413.] 8-411.**

24 This subtitle may be cited as the “Maryland Program Evaluation Act”.

25 **SECTION 2. AND BE IT FURTHER ENACTED,** That Section(s) 2-316 and
26 2-719 of Article – Agriculture of the Annotated Code of Maryland be repealed.

27 **SECTION 3. AND BE IT FURTHER ENACTED,** That Section(s) 2-702, 3-702,
28 4-702, 5-702, 6-702, 6.5-502, 7-602, 8-602, 9-702; 10-218 and the part “Part III.
29 Termination of Subtitle”; 11-802, 12-702; 14-602, 15-702, 16-802, 17-702;
30 18-701 and the subtitle “Subtitle 7. Termination of Title”; and 21-502 of Article –
31 Business Occupations and Professions of the Annotated Code of Maryland be repealed.

1 SECTION 4. AND BE IT FURTHER ENACTED, That Section(s) 3–601 and the
2 subtitle “Subtitle 6. Termination of Title”; 4–208, 5–1002, 7–502, 8–718, 8–802,
3 9A–602, and 11–1102 of Article – Business Regulation of the Annotated Code of
4 Maryland be repealed.

5 SECTION 5. AND BE IT FURTHER ENACTED, That Section(s) 11–502,
6 12–602, and 13–602 of Article – Environment of the Annotated Code of Maryland be
7 repealed.

8 SECTION 6. AND BE IT FURTHER ENACTED, That Section(s) 2–401 and the
9 subtitle “Subtitle 4. Termination of Certain Provisions” of Article – Financial
10 Institutions of the Annotated Code of Maryland be repealed.

11 SECTION 7. AND BE IT FURTHER ENACTED, That Section(s) 1A–502,
12 2–502, 3–602, 5–502, 8–6B–29, 9–502, 10–502, 11–602, 13–502, 14–5A–25, 14–5B–21,
13 14–5C–25, 14–5D–20, 14–5E–25, 15–502, 16–602, 17–702, 18–502, 19–502, and
14 20–502 of Article – Health Occupations of the Annotated Code of Maryland be
15 repealed.

16 SECTION 8. AND BE IT FURTHER ENACTED, That Section(s) 2–109, 3–706,
17 4–405, 5–607, and 11–402 of Article – Labor and Employment of the Annotated Code
18 of Maryland be repealed.

19 SECTION 9. AND BE IT FURTHER ENACTED, That Section(s) 12–842 and
20 12–919 of Article – Public Safety of the Annotated Code of Maryland be repealed.

21 SECTION 10. AND BE IT FURTHER ENACTED, That Section(s) 17–203(l) of
22 Article – State Finance and Procurement of the Annotated Code of Maryland be
23 repealed.

24 SECTION 11. AND BE IT FURTHER ENACTED, That Section(s) 3–707
25 through 3–711, 5–608, and 11–403 through 11–408, respectively, of Article – Labor
26 and Employment of the Annotated Code of Maryland be renumbered to be Section(s)
27 3–706 through 3–710, 5–607, and 11–402 through 11–407, respectively.

28 SECTION 12. AND BE IT FURTHER ENACTED, That this Act shall take
29 effect October 1, 2012.